

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

LONNIE K. CRANE,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0589

COMMISSIONER D.O.C.,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Complaint be dismissed, without prejudice, and this matter be removed from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Though Plaintiff did not file any objection to the proposed findings of fact and recommendations, he did submit a Motion for Default Judgment (ECF No. 9). The Court has reviewed this motion and finds that it does not identify any objection or challenge any of the findings in the proposed findings of fact and recommendations. Instead, he complains that he has been unable to retain counsel and that Defendant has failed to file an answer. However, his argument does not respond to the proposed findings of fact and recommendations, and he has failed

to submit any objection to the recommendations. The Motion for Default Judgment is therefore **DENIED**.

The Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that the Complaint be **DISMISSED, without prejudice**, and this matter be **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 5, 2023

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE